

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

BOARD MEETING

OCTOBER 12, 2004

Vice President Bob Arrington called the meeting to order at 10:12 a.m. in Room 160, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Bob Arrington, Vice President, Danny Cook, Wendy Hellum, Bob Foster, Ralph Buckner, Jr., and Wayne Hinkle.

Staff members present were Robert Gribble, Executive Director, Marilynn Tucker, Legal Counsel, Jimmy Kesey, Field Representative, and Sandra Cooper, Administrative Assistant.

APPROVAL OF MINUTES:

MOTION: Motion was made by Mr. Hinkle to approve the minutes of the September 14, 2004 Funeral Directors and Embalmers Board meeting.

The motion was seconded by Mr. Buckner.

Adopted by voice vote.

APPROVAL OF FUNERAL DIRECTOR AND/OR EMBALMER LICENSES: Upon motion, based upon the application records, the following applicants were approved for licenses.

**Donald Knight Ayers, Jr.
Murfreesboro, TN**

Funeral Director/Embalmer

**Fredrick Elgin Caustic
Dandridge, TN**

**Funeral Director/Embalmer
Reciprocity**

**Thomas Paul Pratt
Somerville, TN**

**Funeral Director/Embalmer
Reciprocity**

**James David Mackens
Clarksville, TN**

**Funeral Director
Reapplication**

**Lisa Giesemann High
Sale Creek, TN**

**Funeral Director/Embalmer
Reapplication**

**Jimmy L. Price
Biloxi, MS**

**Funeral Director/ Embalmer
Reapplication**

**Donna Renae Bailey
Humboldt, TN**

Funeral Director

**Varona Ann Johnson-Rucker
Memphis, TN**

Funeral Director

**Phillip D. Middleton
Hixson, TN**

Funeral Director

**Tracy Renee' Mayes-Goodin
Knoxville, TN**

Funeral Director/ Embalmer

**Chrystal Michelle Smith
Arlington, TN**

Funeral Director/Embalmer

APPROVAL OF FUNERAL ESTABLISHMENT LICENSES: Upon motion based upon the application records, the following applicants were approved.

**Crawford Funeral Home &
Cremation Center
Antioch, TN**

New Establishment

**Nashville Cremation Service
Nashville, TN**

New Establishment

**Sellars Cremation Service
Lebanon, TN**

New Establishment

**Daves-Culbertson Funeral Home
Tullahoma, TN**

Ownership Change

**Dilday Funeral Home, Inc.
Huntingdon, TN**

Ownership Change

**Huntland Funeral Home
Huntland, TN**

Ownership Change

**Pikeville Funeral Home
Pikeville, TN**

Ownership Change

**Watson-Gamble & North Funeral Home,
Cremation Center & Memorial Park
Winchester, TN**

Ownership Change/Name Change

**LEGAL REPORT:
MARILYNN A. TUCKER, STAFF ATTORNEY**

(1) Complaint #200419892

Complaint involves a sister of deceased who is upset that mother did not receive personal belongings of her brother's once such was released by ME in Atlanta. She feels that FH was inappropriate in their attitude/actions and released possessions to someone else pursuant to an invalid POA. There is also some concern that mother did not arrange funeral.

Response states that FH never had anything to do with personal belongings; that the ME released those directly to a woman that had an apparent POA. Deceased had a grown

daughter that was aware of all transactions, including funeral arrangements which were paid for by deceased's girlfriend. Therefore, FH argues that mother had no legal right anyway since deceased had two daughters, one, a child living in the custody of girlfriend, the other, an adult. The adult daughter agreed with release of belongings and funeral arrangements.

Recommendation: Dismiss.

MOTION: Motion was made by Mr. Cook to accept counsel's recommendation.

Seconded by Mr. Buckner.

Adopted by voice vote.

(2) Complaint #200208001

Recommendation of legal counsel is to proceed to a formal hearing if the funeral director (funeral establishment) does not want to sign the Consent Order and pay the Civil Penalty.

Mr. Foster recused himself.

MOTION: Motion was made by Mr. Buckner to accept counsel's recommendation.

Seconded by Mr. Hinkle.

Adopted by voice vote.

(3) Complaint #200317342

Legal counsel requests the Board's permission for a formal hearing on the funeral director who has failed to respond to a consent order and numerous letters sent by legal.

MOTION: Motion made by Mr. Foster to accept counsel's recommendation to take this to a formal hearing.

Seconded by Mr. Hinkle.

Adopted by voice vote.

STAFF REPORT:

ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

DISCIPLINARY ACTIONS

The Consent Orders have been signed and the Civil Penalties, unless otherwise indicated, have been paid in full. The Executive Director requests the board's acceptance and approval of the Consent Orders:

COMPLAINTS:

Complaint #	Action/Penalty	Statute/Rule
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200207413	Consent Order with Civil Penalty of \$1000.00	TCA §62-5-317(a)(4) – Unprofessional Conduct/Failure to properly oversee cremation of human remains.
<p>The civil penalty is to be paid within thirty days of the effective date of the order.</p> <p>MOTION: Motion was made by Mr. Buckner to accept consent order and penalty. Seconded by Mr. Cook. Adopted by voice vote.</p>		

CITATIONS ISSUED BY FIELD REPRESENTATIVES DURING INSPECTIONS:

Citations Issued To:	Action/Penalty	Statute/Rule
Jefferson Mortuary Preston T. Jefferson, Manager 7788 Church Street Millington, TN 38053	Consent Order with a Civil Penalty of \$700.00	Rule 0660-6-.02 – Federal Trade Commission Rule - Strict specifications required of price disclosures
<p>MOTION: Motion was made by Mr. Foster to accept consent order and penalty. Seconded by Mr. Hinkle. Adopted by voice vote.</p>		
Millington Funeral Home, Inc. Eva Estes Smith, Manager 7738 Church Street Millington, TN 38053	Consent Order with a Civil Penalty of \$400.00	T.C.A. §62-5-313(b)(2) – Requires adequate ventilation system in embalming area of the establishment Rule 0660-6-.02 – Federal Trade Commission Rule - Strict specifications required of price disclosures
<p>MOTION: Motion was made by Mr. Cook to accept consent order and penalty. Seconded by Mr. Foster. Adopted by voice vote.</p>		
Pikeville Funeral Home Dana S. Jones, Manager 39299 State Route 30 Pikeville, TN 37367	Consent Order with a Civil Penalty of \$300.00	T.C.A. §§62-5-309(a), 62-5-303, 62-5-305 – Unlicensed Activity Prohibited
<p>MOTION: Motion was made by Mr. Foster to accept Consent order and penalty. Seconded by Mr. Hinkle. Adopted by voice vote.</p>		

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Brown Funeral Home Gale Brown, Owner 438 West Race Street Kingston, TN 37763	Consent Order with Civil Penalty of \$800.00	T.C.A. §62-5-309 – Prohibits an unlicensed person from doing licensed activities T.C.A. §62-5-308 – Requires the current license to be available for inspection Rule 0660-6-.02 – Federal Trade Commission Rule - Strict specifications required of price disclosures
MOTION: Motion was made by Mr. Buckner to accept consent order and penalty. Seconded by Mr. Hinkle. Adopted by voice vote.		
Covenant Funeral Service Walter Lee Crox, Manager 2114 Chapman Rd. Chattanooga, TN 37421	Consent Order with Civil Penalty of \$1000.00	T.C.A. §62-5-317(a)(5) – Prohibits an unlicensed person from doing licensed activities T.C.A. §62-5-308 – Requires the current license to be available for inspection Rule 0660-6-.02 – Federal Trade Commission Rule - Strict specifications required of price disclosures
MOTION: Motion was made by Mr. Hinkle to accept consent order and penalty. Seconded by Mr. Buckner. Adopted by voice vote.		
Ewton Funeral Home, Daniel H. Ewton, Sr., Manager 532 Highway 28 South Dunlap, TN 37327	Consent Order with Civil Penalty of \$450.00	T.C.A. §62-5-308 – Requires the current license to be available for inspection Rule 0660-6-.02 – Federal Trade Commission Rule - Strict specifications required of price disclosures
MOTION: Motion was made by Mr. Cook to accept consent order and penalty. Seconded by Mr. Buckner. Adopted by voice vote.		

MOTION: Motion was made by Mr. Cook to adjourn.

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Seconded by Mr. Foster

Adopted by voice vote.

There being no further business, the meeting was adjourned at 11:10 a.m.

Respectfully submitted,

Robert B. Gribble
Executive Director